

Application No.: 09/680,156

Attorney Docket No.: EMC2-080PUS

**REMARKS/ARGUMENTS**

Reconsideration and re-examination are hereby requested.

Claims 1 and 2 have been amended to correct errors recently detected and thus to more clearly and distinctly point out the subject matter applicant regards as its invention under 35 USC 112, second paragraph.

The claims point out that the method includes transmitting such message to said receiving one, or ones, of the directors through the messaging network with such messages by-passing the data transfer section as data passes through the data transfer section.

The claims stand rejected on grounds of double patenting over claims 1, 6, 7 and 9 of U. S. Patent No. 6,061,274 in view of Noguchi, U. S. Patent No. 4,977,556.

It is first noted that the claims point out that the method includes transmitting such message to said receiving one, or ones, of the directors through the messaging network with such messages by-passing the data transfer section as data passes through the data transfer section. It is next noted that column 7, lines 20-44 of Noguchi state:

(3) The bus installed in the switch for the transfer of data is implemented as an exclusive packet bus for packet data transfer and an exclusive message bus for non-packet data transfer. It has been customary to execute packet assembly/disassembly processing in a terminal line control unit so as to packetize all of the non-packet data without exception. Hence, only a packet bus for packet data transfer has been available for data transfer in a switch. Such a prior art switching procedure is time-consuming and increases the transmission delay time. The present invention with the two independent buses cuts down the switching time and thereby the transmission delay time.

Thus, Noguchi is describing the use of a packet bus for packet DATA and a non-packet bus for non-packet DATA. Thus, with Noguchi, there are two types of DATA; packet DATA and non-packet DATA. Noguchi, describes that instead of packetizing non-packetized DATA, Noguchi uses a two bus arrangement; one for packet DATA and the other for non-packet DATA. Noguchi is dealing with two types of DATA. Nowhere is there any suggestion that messages pass to receiving one, or ones, of the directors through the messaging network

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with such messages by-passing the data transfer section as data passes through the data transfer section.

Thus, with applicant's method messages pass to the directors through a message network such messages by-passing the data transfer section while data passes through the data transfer section. This separation between the messages which pass through the message network to the directors and by-pass the data transfer section as data passes through the data transfer section is not suggested or recognized in Noguchi.

The claims stand rejected as under 35 USC 103 (a) as being unpatentable over Thibault et al, in view of Noguchi.

As noted above, Noguchi is dealing with two types of DATA. Nowhere is there any suggestion that messages pass to receiving one, or ones, of the directors through the messaging network with such messages by-passing the data transfer section as data passes through the data transfer section. With applicant's method messages pass to the directors through a message network such messages by-passing the data transfer section while data passes through the data transfer section. This separation between the messages which pass through the message network to the directors and by-pass the data transfer section as data passes through the data transfer section is not suggested or recognized in Noguchi.

The claims stand rejected as under 35 USC 103 (a) as being unpatentable over Nakayama (U. S. Patent No. 5,920,893 in view of Noguchi.

As noted above, Noguchi is dealing with two types of DATA. Nowhere is there any suggestion that messages pass to receiving one, or ones, of the directors through the messaging network with such messages by-passing the data transfer section as data passes through the data transfer section. With applicant's method messages pass to the directors through a message network such messages by-passing the data transfer section while data passes through the data transfer section. This separation between the messages which pass through the message network to the directors and by-pass the data transfer section as data passes through the data transfer section is not suggested or recognized in Noguchi.

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In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 05-0889.

Respectfully submitted,

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Date

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